

STANDARD APPLICATION
**Harford County
Board of Appeals**
Bel Air, Maryland 21014

RECEIVED

Case No. 5504
Date Filed 7/11/05
Hearing Date _____
Receipt _____
Fee 12.00

HARFORD COUNTY COUNCIL

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☒ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code

CASE 5504 MAP 34 TYPE Special Exception
ELECTION DISTRICT 3 LOCATION 2630 Conowingo Road, Bel Air
BY Brian M. Fitzpatrick, 2630 Conowingo Road, Bel Air 21015
And Maryann Nacrelli, 2630 Conowingo Road, Bel Air 21015
Appealed because a special exception pursuant to Sec. 267-53D (1) of the Harford
County Code to permit commercial motor vehicle and equipment storage and a special
exception pursuant to Sec. 267-53E (1) to allow construction services and suppliers' uses
on a property zoned AG, Agricultural requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Brian M. Fitzpatrick Phone Number Call Attorney

Address 2630 Conowingo Road Bel Air MD 21015-1004
Street Number Street City State Zip Code

Co-Applicant Maryann Nacrelli Phone Number Call Attorney

Address 2630 Conowingo Road Bel Air MD 21015-1004
Street Number Street City State Zip Code

Contract Purchaser NA Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative John J. Gessner, Esquire Phone Number 410-893-7500

Address 11 South Main St. Bel Air MD 21014-7776
Street Number Street City State Zip Code

Rev. 12/02

Land Description

Address and Location of Property Lot 1, 11.05 AC, 2630 Conowingo Road Est
Sherman Pt 99/27

Subdivision _____ Lot Number 1

Acreage/Lot Size 11.05 Election District 3 Zoning AG

Tax Map No. 34 Grid No. 2E Parcel 86 Water/Sewer: Private X Public _____

List ALL structures on property and current use: 2 dwellings, 3 sheds; residential; agricultural, construction services and suppliers' uses; commercial vehicle and equipment storage

Estimated time required to present case: 30 ,minutes

If this Appeal is in reference to a Building Permit, state number NA

Would approval of this petition violate the covenants and restrictions for your property? NA

Is this property located within the County's Chesapeake Bay Critical Area? Yes X No _____

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ✓ No _____

Is this request within one (1) miles of any incorporated town limits? Yes _____ No ✓

Request

See attached

Justification

See attached

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

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2 : 21074
207117

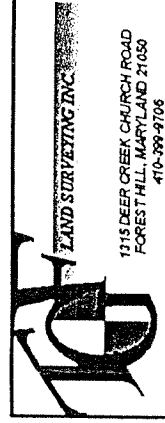
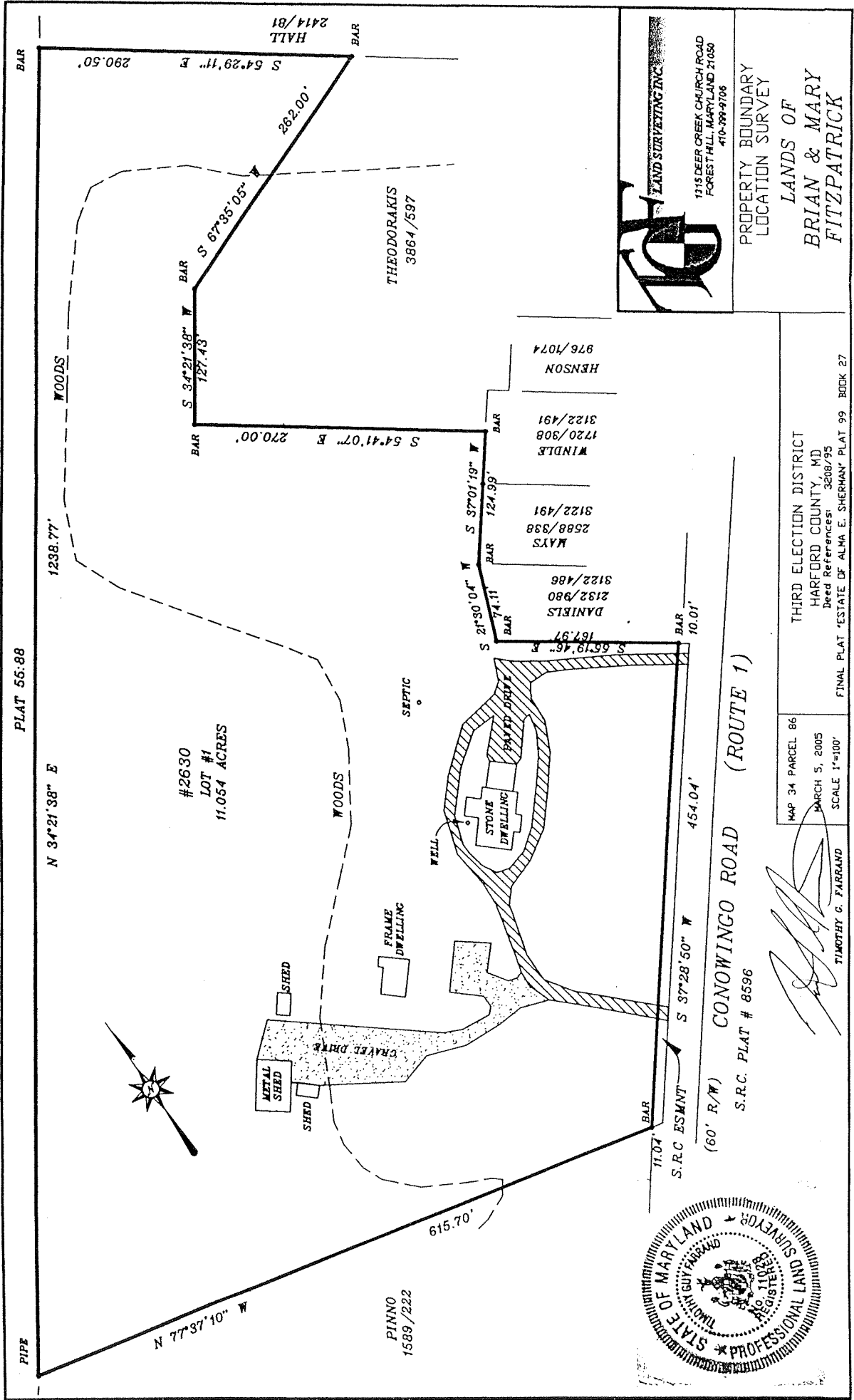
ATTACHMENT TO APPLICATION OF BRIAN M. FITZPATRICK AND MARYANN
NACRELLI

REQUEST:

1. Special Exception for Commercial Motor Vehicle and Equipment Storage on the subject property zoned AG, Agricultural, pursuant to Section 267-53 (D)(1) of the Harford County Zoning Code ("Code") as shown on the attached site plan.
2. Special Exception for Construction Services and Suppliers' Uses on the subject property zoned AG, Agricultural, pursuant to Section 267-53 (H)(1) of the Harford County Zoning Code ("Code") as shown on the attached site plan.

JUSTIFICATION:

The Applicants seek approval to conduct a landscaping/tree service business from the subject property including accessory minor vehicle and equipment repairs. The subject property is an ideal location for such a use. Approval of the Applicants' request will cause no adverse impact to adjoining property owners.



PROPERTY BOUNDARY
LOCATION SURVEY

LANDS OF
**BRIAN & MARY
FITZPATRICK**



Timothy C. Farland
TIMOTHY C. FARLAND

MAP 34 PARCEL 86
MARCH 5, 2005
SCALE 1"=100'

THIRD ELECTION DISTRICT
HARFORD COUNTY, MD
Deed References: 3208/95

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



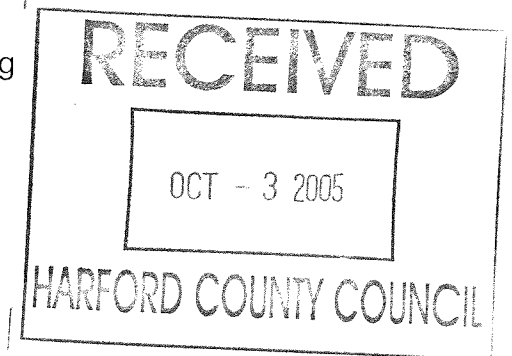
Anthony S. McClune
Acting Director of Planning & Zoning

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

September 14, 2000

STAFF REPORT



BOARD OF APPEALS CASE No. 5504

APPLICANT/OWNER: Brian M. Fitzpatrick
2630 Conowingo Road, Bel Air, Maryland 21015

Co-APPLICANT: Maryann Nacrelli
2630 Conowingo Road, Bel Air, Maryland 21015

REPRESENTATIVE: John J. Gessner, Esquire
11 South Main Street, Bel Air, Maryland 21014-7776

LOCATION: 2630 Conowingo Road – Sherman Pt 99/27
Tax Map: 34 / Grid: 2E / Parcel: 86 / Lot: 1
Election District: Third (3)

ACREAGE: 11.05± acres

ZONING: AG/Agricultural

DATE FILED: July 11, 2005

HEARING DATE: October 10, 2005

APPLICANT'S REQUEST and JUSTIFICATION:

See ATTACHMENT 1.

Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

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Brian Fitzpatrick and Maryann Nacrelli

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CODE REQUIREMENTS:

The Applicants are requesting a Special Exception pursuant to Section 267-53D(1) of the Harford County Code to permit commercial motor vehicle and equipment storage and a Special Exception pursuant to Section 267-53H(1) to allow construction services and suppliers' uses on a property zoned AG/Agricultural.

Section 267-53D(1) of the Harford County Code reads:

D. Motor Vehicle and related services.

- (1) Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provide that:*
 - (a) The vehicles and equipment are stored entirely within an enclosed building or fully screened from view of adjacent residential lots and public roads.*
 - (b) The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.*
 - (c) A minimum parcel area of two (2) acres shall be provided.*

Section 267-53H(1) of the Harford County Code reads:

H. Services. [Amended by Bill No. 97-54]

- (1) Construction services and suppliers. These uses may be granted in the AG and VB Districts, provided that a buffer yard ten feet wide shall be provided around all outside storage and parking areas when adjacent to residential lots or visible from a public road.*

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 2).

Section 267-9I of the Harford County Code entitled Limitation, Guides and Standards will be discussed in detail later in the report.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located on the northwest side of Conowingo Road (MD Route 1), east of the intersection of Sandy Hook Road and MD Route 1. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 3 and 4).

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The subject property is located outside of the Development Envelope. The predominant land use designation in this area is Agricultural. The Natural Features Map reflects Parks, Deer Creek Scenic River District, Sensitive Species Project Review Areas, Agricultural Preservation Districts and Easements, Habitats of Local Significance and Rural Legacy Areas. The subject property is designated as Agricultural which is defined by the 2004 Land Use Plan as:

Agricultural – Areas where agriculture is the primary land use, but where developments rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

Land Use – Existing:

The land uses in this area of the County conform to the overall intent of the 2004 Master Plan. The topography of the area ranges from rolling to steep especially near the stream valleys. The predominant land use is agriculture. There are no major residential developments in the area, however there are several small single family residential subdivisions. There are some commercial uses along MD Route 1. Enclosed with the report is a copy of the topography map and the aerial photograph (Attachments 7 and 8).

The subject property is an irregular shaped parcel, approximately 11.05 acres in size and fronts on the northwest side of Conowingo Road (US Route 1). The topography ranges from rolling to steep especially in the northern portion of the property. Approximately half of the property is wooded. Improvements consist of a stone and frame 1-story dwelling with an attached garage. There are 2 driveways from MD Route 1. There is a large parking and storage area in front of the garage. To the south of the dwelling, there is a gravel driveway that leads back to a small frame dwelling and a large parking and storage area. In this area there is a large metal pole building. There are 2-other frame sheds and a metal car-port. On the day of inspection there were several pieces of equipment, loaders, trailers and trucks with the logo of Fitzpatrick and Sons written on the side of the trucks (see site photographs). In addition, there was a pile of logs as well as cut logs to be split into fire wood. The property is landscaped and well maintained. In addition to the wooded areas the Applicants have planted numerous trees, shrubbery and flowers around the frontage of the property and in the area where the vehicles are stored. The storage area and associated building are not visible from Route 1 and/or from adjoining properties. Enclosed with the report are copies of site photographs along with an enlargement of the aerial photograph (Attachments 9 and 10).

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Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification is AG/Agricultural. There are small areas of RR/Rural Residential scattered throughout the area. Commercial zoning includes small parcels of B1/Neighborhood Business, B2/Community Business and B3/General Business Districts. The subject property is zoned AG/Agricultural as shown on the enclosed copy of the zoning map (Attachment 11).

Zoning Enforcement:

The subject request is the result of a Zoning Enforcement Investigation. The Department received a complaint on December 15, 2004, that there was a new use on the property "Fitzpatrick Landscaping", commercial vehicles along with 8 dogs on the property. The Department conducted a site inspection on February 7, 2005. The Applicant was contacted and he informed the inspector that he had 5-trucks including a "Cherry Picker-(lift truck)", 2 commercial type trailers and 2-small loaders. Also observed were 2-storage sheds, 1 carport and a large metal garage. These building are currently housing bagged goods along with small equipment and hand tools.

The inspector was unable to locate permits for the use and/or for the construction of the structures. The Applicant stated that when he contacted the permits department he was told that he did not need permits as long as they were used for Agricultural uses. He stated that the buildings were used primarily for AG related storage. He was informed of his option to go to the Board of Appeals. Mr. Fitzpatrick informed the inspector that he only had 5 dogs on the property. He was told that more than 5 would require Board of Appeals approval for a Kennel. A pre-application meeting was held on February 23, 2005 and the Board of Appeals application was filed on July 11, 2005. Enclosed with the report are copies from the Enforcement file for informational purposes only (Attachment 12).

SUMMARY:

The Applicants are requesting a Special Exception pursuant to Section 267-53D(1) of the Harford County Code to permit commercial motor vehicle and equipment storage and a Special Exception pursuant to Section 267-53H(1) to allow construction services and suppliers' uses on a property zoned AG/Agricultural.

Section 267-53D(1):

D. *Motor Vehicle and related services.*

- (1) *Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provide that:*

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The subject property is zoned AG/Agricultural.

- (a) *The vehicles and equipment are stored entirely within an enclosed building or fully screened from view of adjacent residential lots and public roads.*

There are existing buildings onsite however these are used for the storage of landscaping supplies, salt, and small equipment as well as hand tools. The vehicles are parked on a gravel area to the left of the buildings, backing up to a wooded area. There is sufficient landscaping and trees around the storage area to fully screen it from the road and adjoining properties. Therefore the Applicants can comply with this section.

- (b) *The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.*

Not applicable to the subject request.

- (c) *A minimum parcel area of two (2) acres shall be provided.*

The subject property is 11.05 acres which exceeds the minimum requirement.

Section 267-53H(1):

H. Services. [Amended by Bill No. 97-54]

- (1) *Construction services and suppliers. These uses may be granted in the AG and VB Districts, provided that a buffer yard ten feet wide shall be provided around all outside storage and parking areas when adjacent to residential lot or visible from a public road.*

The subject property is zoned AG-Agricultural. The existing tree cover on the site around the vehicle and equipment storage area exceeds the 10-foot buffer yard requirement. The vehicles and equipment are fully screened from adjacent residential lots and MD Route 1.

Section 267-9I:

- (1) *The number of persons living or working in the immediate area.*

The subject property is located in a rural area of the County. The primary land use in the area is Agriculture with large active farms. In addition this area contains large areas of dense woodland. There are also scattered residences and small subdivisions. Due to the land uses in this area of the County large equipment is common. Further, US Route 1 is considered a Principal Arterial – Rural Road and carries a significant amount of truck traffic. The proposed use should not adversely impact individuals living or working in the area.

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- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

This portion of Conowingo Road (US Route 1) is a Principal Arterial – Rural Road. Sight distance is good in both directions from either of the 2-driveway entrances. The road has wide paved shoulders in the area of the subject property. US Route 1 is a heavily traveled road and carries a large amount truck traffic. Based on the amount and types of vehicles owned by the Applicant, the proposed use should not adversely impact the traffic in the area.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The use is permitted in the Agricultural District as a Special Exception with Board of Appeals approval. The proposed storage area for the vehicles and equipment is approximately 230-feet back from US Route 1 and given the topography and existing trees and landscaping the storage area cannot be seen from the road and/or from adjoining properties. The Applicant can either meet or exceed the minimum requirements for the intended use. The request will not have an adverse impact on the County.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The number of commercial vehicles and equipment proposed by the request will not have an adverse impact on the community based on the issues listed in this section.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The Harford County Sheriff's Office and the Maryland State Police will provide police protection. Fire and emergency response will most likely be handled by the Bel Air or Dublin/Darlington Volunteer Fire Departments. The property is served by private well and septic systems.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The request is consistent with generally accepted planning principles and practices.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

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The proposal should have no impact on any of the uses listed in this subsection.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal is consistent with the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The proposal will have no impacts on surrounding natural features.

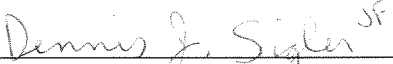
- (10) *The preservation of cultural and historic landmarks.*

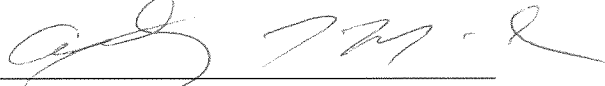
The request should have no impact any cultural or historic landmarks.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicants shall submit a detailed site plan to be reviewed and approved through the Development Advisory Committee. The site plan shall include a lighting plan.
2. The Applicants shall obtain all necessary permits and inspections for the use.
3. The approval is for the Applicants only and shall terminate upon the sale of the property.
4. The outside storage of equipment and vehicles shall be limited to the area around the metal shed and carport. This area should be clearly identified by the Applicant on the plan presented to the Hearing Examiner.
5. The existing trees, screening and landscaping shall be maintained to assure that the vehicles and equipment are properly screened from the road and/or adjacent residential uses.
6. No major repairs to any of the vehicles and/or equipment shall take place on the subject property. This does not preclude the general maintenance of the equipment and vehicles.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, Acting Director
Department of Planning and Zoning

DJS/ASM/jf